



Police Service of Northern
Ireland

**Human Rights Programme of
Action**

2012/2013

Service Improvement Department

Introduction

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The Police Service of Northern Ireland (PSNI) sees human rights as part of our culture; ingrained in how things are done. The Policing Board's Human Rights Report 2012 is the eighth such annual health check and is a positive and welcome challenge for us. Some of the challenge is difficult but we consider this report to be of a high quality and we thank Alyson Kilpatrick, the Policing Board's Human Rights advisor, and the Board's Human Rights and Professional Standards Committee for the effort that

has gone into it. This Programme of Action is the PSNI response to the Board's report and details what we intend to do with each of the recommendations contained within the report. All the recommendations have been accepted and work has commenced on many of them.

Human rights and accountability are essential for policing. The fundamental building blocks for community confidence and the delivery of effective policing are human rights and accountability. For PSNI, which came into being almost exactly one year after the Human Rights Act entered into force, human rights have been a central pillar to development and growth of the new Service. We haven't always got it right and at times it's been a steep learning curve. However, as has been recognised, since 2005 we have implemented almost 200 recommendations contained within previous Human Rights Annual Reports.

Human rights underpin all our policies, practices procedures and decision making at every level and in every department of the organisation. We don't have to look too far for an example of how this works in practice. The past year has presented a significant challenge for policing. Human rights are always at the core of our operational response to policing protests and public order. The recent flag protests and the associated disorder have thrown some of the difficult decisions we face into sharp focus. It has opened up the debate on how we balance what are sometimes competing human rights.

The European Convention on Human Rights has been the framework through which all decisions have been made, from the senior commanders' level right through all ranks to the officers on the ground, who at times have had to make split second decisions in the face of serious and sustained disorder. The decision to accommodate peaceful protest; the decision to engage with and talk to those involved; the decision to forcibly remove protestors; the decisions to use water cannon and impact rounds when disorder

broke out; the decision to evidence gather for follow-up investigation; the decision of how we appoint finite resources across a range of demands – all of these decisions have sought to balance individual and collective human rights.

The principles of human rights, of proportionality, accountability, legality and necessity have become the language used in our planning meetings and command rooms. It is a balance. It is a challenge and different communities will have their own view. However, the role of the police is clear, to uphold and balance human rights.

There has been much debate. Our decisions and tactics have been challenged. And it is right and proper that they are challenged. The Board has, and will, continue to hold us robustly to account on the issue. Whilst we continually review our operational tactics on a regular basis there will be one constant factor in all our decision making, and that is a core focus on human rights.

During the past year we have also seen murderous and attempted murderous attacks by terrorists on a prison officer, police officers and other members of the community. When the discontent of a minority is expressed through violence the safety of the community is threatened. The Police Service must act accordingly, protecting the community and protecting its officers. The greater the challenges faced by the police service, the more important human rights policing and accountability becomes.

The Board's annual report recognises the success and progress we have made. It also, rightly, challenges us to do more. And we will respond to that challenge.

In developing our human rights obligations, we acknowledge that human rights are about protecting life; reducing vulnerability and addressing inequality. However, as a police service, our delivery on these issues can only be enhanced through more joined up working, problem solving and service delivery among our statutory and voluntary partners.

Keeping communities safe requires a coordinated approach which increases the resilience of local communities and addresses concerns arising from a range of issues, such as isolation, a lack of opportunity, poor health and low educational attainment. Many of these are human rights challenges which are beyond the remit of policing alone. This is a challenge for all of us in the year, and years, ahead.

Number	Recommendation	Owner	Current Status
1	<p>PSNI should provide the Human Rights and Professional Standards Committee with a written review of the training plan for police staff, with a particular focus on identifying the human rights training needs of police staff and how PSNI proposes to meet those needs and within what time frame. That review should be provided to the Human Rights and Professional Standards Committee within 6 months of the publication of this Human Rights Annual Report.</p>	<p>Training – Police College</p>	<p>PSNI recognises the importance of human rights compliant working practices by its civilian staff. Training has an important role to play in this and PSNI recognises that it must be relevant to the many and varied functions undertaken by staff. A review of the training plan is being carried out and a report will be sent to the Policing Board's Human Rights and Professional Standards Committee.</p>
2	<p>The PSNI should deliver the child protection training as developed by 'A' District trainers to all front line police officers.</p>	<p>Training – Police College</p>	<p>This training is currently being rolled out to all Districts.</p>
3	<p>PSNI should forthwith upon completion of the streamlining review publish, on its publicly accessible website, those policies that have been finalised.</p>	<p>Operational Support Department</p>	<p>PSNI is currently reviewing and updating all of its policies. We are committed to publishing the relevant sections of policies on the PSNI website so that the community has ready access to them. This is a significant undertaking and there is an intention to seek to appoint a policy manager to facilitate this. In the interim an instruction has been issued to all Departments to publish the relevant</p>

			sections of any policy that has been completed. Work on this has been suspended until after the commitments of the G8 Summit in June and the normal pressure of the summer months.
4	The PSNI should forthwith collect statistics on the use of the powers contained at section 43A of the Terrorism Act 2000 and amend its quarterly statistical reports to include the statistics collected	Operational Support	Details of use of Section 43A of the Terrorism Act 2000 is recorded on PSNI systems and PSNI Statistics Branch will include these in future quarterly reports. The first report will be Quarter 2 2013/14 covering the period up to 30th September 2013 and due for publication on 28th November 2013.
5	PSNI should forthwith disaggregate its statistics on the use of all powers contained within section 24 and schedule 3 to the Justice and Security Act 2007. In particular, the statistics should identify the powers used according to whether the stop and search was pursuant to an authorisation, was undertaken with reasonable suspicion or without and whether it was of a person, vehicle or premises.	Operational Support	Section 24 and Schedule 3 statistics will be analysed by PSNI Statistics Branch and included in future reports. The first report will be Quarter 2 2013/14 covering the period up to 30th September 2013 and due for publication on 28th November 2013.
6	The PSNI should consider whether the same, or a similar card, to that developed for young people should be handed out to all persons who are the subject of a stop, search and/or question under PACE, TACT or JSA.	Policing With the Community Branch	PSNI has, in consultation with the Children's' Law Centre and the Children's' Commissioner, developed an information card for Stop and Search procedures. It is intended that this card will be given to all young persons under the age of 18 who are stopped and searched by police. This

			card will be issued to all persons, regardless of age, once the detail of this has been examined by the committee that overseas PSNI stop and search procedures.
7	The PSNI should consider the findings of the OPONI report on allegations of oppressive behaviour and present to the Human Rights and Professional Standards Committee the PSNI analysis of the findings together with its proposed means of reducing allegations of oppressive behaviour. That presentation should be made to the Human Rights and Professional Standards Committee within 6 months of the publication of this Human Rights Annual Report.	Discipline Branch	PSNI takes seriously any complaints of oppressive behaviour by officers and monitors any trends and developments. Recently complaints of this nature have decreased by 23.2% (compared to this time last year), in spite of the recent flags protests, but this does not give rise to complacency. The OPONI report on allegations of oppressive behaviour has been considered and some preliminary work has been carried out in relation to training and in Districts. A further analysis will be made of the report and, if considered necessary, an action plan will be produced to deal with the issues raised.
8	On completion of its review of the Memorandum of Understanding, the relevant protocols and service level agreements between the PSNI and the Security Service, the PSNI will subject them to human rights proofing by the Policing Board's Human Rights Advisor and thereafter publish those documents to the	Crime Operations Department	PSNI formalises arrangements for the sharing of information with the Security Service by a number of agreements. Some of these, by their nature, are not suitable to place in the public domain. They are examined by the PSNI human rights legal advisor for human rights compliance. These have previously, on

	<p>greatest extent possible. In the event that PSNI decides not to publish any document or to publish all or any in a redacted form it should provide to the Human Rights and Professional Standards Committee the written reasons for so deciding.</p>		<p>request, been made available to the Policing Board's Human Rights Advisors. They will be made available to the current Human Rights Advisor and published to the greatest extent possible, commensurate with the need for confidentiality. Where we are unable to publish any document, either in whole or in part, a report will be sent to the Policing Board's Human Rights and Professional Standards Committee.</p>
9	<p>The PSNI should forthwith put in place a formal training plan to ensure that all officers who are or may be involved in the application of the Regulation of Investigatory Powers Act 2000 receive all necessary training as and when required. The provision of training should be kept under review and provided as and when required.</p>	<p>Training – Police College</p>	<p>PSNI provides a robust framework for the effective and legal operation of functions under the Regulation of Investigatory Powers Act 2000 (RIPA). A number of bespoke training courses support this framework. This has been commended in the Office of Surveillance Commissioners' 2013 report on RIPA training: 'All officers seen during the course of this inspection displayed very high levels of knowledge regarding both the legislation and the procedures to be followed.' (Inspection Report, Police Service of Northern Ireland 11th - 15th March 2013). PSNI will review current training to ensure that it continues to meet the requirements of officers. This review will give consideration to the suitability of the introduction of a formal training plan.</p>

10	<p>PSNI should provide to the Human Rights and Professional Standards Committee, within 6 months of the publication of this Human Rights Annual Report, a report on its review of healthcare provision in police custody suites. That report should include any specific consideration given to ensuring that all healthcare professionals are sufficiently experienced and independent from the police, particularly in respect of terrorism detainees.</p>	Service Improvement Department	<p>PSNI has undertaken a comprehensive review of the healthcare provision in Police Custody and is currently mid stream a route and branch reform agenda. There is a clear understanding and acceptance by PSNI that Forensic Medical Officers (FMO's) and in the future additional appropriate healthcare professionals procured will be suitably selected, trained, clinically supervised and independent of Police, albeit engaged through contract. A report and briefing on the review of healthcare provision in police custody suites will be sent to the Northern Ireland Policing Board's Human Rights and Professional Standards Committee by 8th August 2013.</p>
11	<p>PSNI should provide an explanation to the Human Rights and Professional Standards Committee within one month of the publication of this Human Rights Annual Report for the continued detention of immigration detainees in police custody. That report should address specifically the reason for those detainees not being transferred to Larne House.</p>	Service Improvement Department	<p>PSNI detains immigration detainees, who have been arrested for criminal matters, within police custody, rather than transporting them immediately to Larne House holding facility, as criminal matters take precedence over immigration matters. They are detained in police custody until the criminal matters have been dealt with. Further to this if a detainee is violent or is otherwise deemed to be high risk, for example of suicide, they are detained in</p>

			<p>PSNI custody before deportation. We are working with the UK Border Agency to establish the statistics relating to immigration detainees in police custody and the reasons for this. A full report on this matter will be provided to the Northern Ireland Policing Board's Human Rights and Professional Standards Committee. This will be presented on or before 31 July 2013, after the pressure of work caused by the G8 Summit has eased.</p>
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Outstanding recommendation

Year	Recommendation	Owner / Department	Status
2011 Rec 15	<p>The PSNI should review its policy and practice in respect of arrests under section 41 of the Terrorism Act 2000 to ensure that police officers do not revert to section 41 in cases Where it is anticipated that the suspect is more likely to be charged under non-terrorism legislation. The PSNI should thereafter provide reassurance to the Human Rights and Professional Standards Committee that relevant safeguards have been put in place.</p>	<p>Crime Operations Department</p>	<p>A Review of arrests under Section 41 of the Terrorism Act 2000 has been completed and a report sent to the Policing Board in January 2013.</p>